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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,802

09/12/2006

Brian J. Guthrie

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09/01/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

DUONG, FRANK

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

09/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,802	Applicant(s) GUTHRIE, BRIAN J.	
	Examiner Frank Duong	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is a response to communications dated 05/04/09. Claims 1-24 are still pending in the application.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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The disclosure is objected to because of the following informalities: The Applicant, in a response to this Office Action, should amend the specification to include the sectional headings in compliant with the above guidelines.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, the claim calls for a device. However, the claim appears to fail to set forth a structure of "a device" having elements for performing claimed function of responding to address information. Thus, the claim is deemed indefinite because it is unclear what elements in the claimed "device" performing the claimed functions. In addition, claim 1 appears to fail to set forth metes and bounds of the claimed invention that the applicant seeks to protect because the environment of the claim is broad to include all possible wireless/wireline networks i.e., wireless ATM, cellular/GSM wireless optical networks, while the disclosed invention at most is operable in a Bluetooth and/or ZigBee/WPAN networks.

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Dependent claims 7-15 variously dependent from their indefinite base claim 1. In addition, claim 7, line 3, the term “said receiving means” lacks of antecedent basis.

As per claims 2-6, the claims commonly call for the limitation of “configured to response to a detection of activity ... devices.” It is unclear what elements or means are being “configured” to perform the claimed function. In addition, the claims appear to fail to set forth metes and bounds of the claimed invention that the applicant seeks to protect because the environment of the claim is broad to include all possible wireless/wireline networks i.e., wireless ATM, cellular/GSM wireless optical networks, while the disclosed invention at most is operable in a Bluetooth and/or ZigBee/WPAN networks.

As per claims 16 and 22-24, the claims commonly call for limitation of “said message” recited in line 6. There is insufficient antecedent basis for this limitation in the claim. In addition, claim 16 appears to fail to set forth metes and bounds of the claimed invention that the applicant seeks to protect because the environment of the claim is broad to include all possible wireless/wireline networks i.e., wireless ATM, cellular/GSM wireless optical networks, while the disclosed invention at most is operable in a Bluetooth and/or ZigBee/WPAN networks.

As per claims 17-21, the claims appear to fail to set forth metes and bounds of the claimed invention that the applicant seeks to protect because the environment of the claims is broad to include all possible wireless/wireline networks i.e., wireless ATM, cellular/GSM wireless optical networks, while the

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disclosed invention at most is operable in a Bluetooth and/or ZigBee/WPAN networks.

Allowable Subject Matter

3. Claims 1-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
4. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, considered individually or in combination, appears to fail to fairly show or suggest a claimed invention comprising, among other limitation, a novel idea of determining whether a message containing address information related to other communication devices has previously been forwarded from the communication device, supposedly by analyzing a flag in the message itself, to other communication devices and, if not, sending the message to a second communication, structurally and functionally interconnected with other limitations in a manner as claimed.

Response to Arguments

5. Applicant's arguments with respect to claim 1-24 have been considered but are moot in view of the new ground(s) of rejection.

There is one argument pertaining the priority date of the applied art of Caliskan in the outstanding response the examiner would like to address. On page 15 of the outstanding response, pertaining the patent issued to Caliskan (USP 7,398,327), the Applicant disagrees with office's relying on the provisional

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application 60/510,039 filing date of Caliskan as an effective filing date for a reason that *"a copy of U.S. Provisional Application No. 60/510,039 has not been provided, and thus the Applicant cannot ascertain whether the portions of Caliskan relied on by the Examiner are disclosed in the Provisional Application No. 60/510,039, so that such portions may be accorded an effective filing date of October 9, 2003."*

In response Examiner respectfully disagrees. The Office Action dated 02/04/09, in the Conclusion section on page 14, clearly sets forth that the Applicant can access unpublished application using Private Pair. Thus, all of the information in the Office Action should be readily available to the Applicant.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haartsen (USP 6,026,297).

Haartsen (USP 6,590,928).

Olkkonen et al (USP 6,842,460).

Rune et al (USP 6,901,057).

Jonsson et al (USP 7,164,885).

Kammer (USP 7,356,347).

Rune et al (USP 6,901,057).

7. Any inquiry concerning this communication or earlier communications from

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the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe S. Aung can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank Duong/
Primary Examiner, Art Unit 2416
August 24, 2009